

opportunity, or not. I would like to say that I believe the bill will work, but the simple fact is that it will not.

This legislation pursues a laudable objective the wrong way. It seeks to increase the pressure and isolation of Cuba by further tightening the trade embargo and encouraging United States allies and trading partners to terminate their trade relations with Cuba through punitive and retributive measures. That policy cannot and will not work.

The United States approach to Cuba has been virtually unchanged since the early 1960's. Since then, the United States has maintained a comprehensive trade embargo to isolate the Castro regime politically, to weaken it economically and, thereby, to pressure the Cuban Government into making the desired reforms. H.R. 927 is simply the latest in a series of legislative proposals that purport to provide the final push that will force the Cuban Government over the brink.

This new final push, though, is perhaps even less likely than the series of past final pushes to succeed, because it is not based on the economic, political, and diplomatic facts. Despite close to 35 years of U.S. trade embargo, the Castro regime remains in place.

Even more importantly, the embargo represents a policy orientation that the rest of the world seems to be abandoning. Our most loyal allies and other countries do not support the United States position on Cuba. In fact, the United States is the only country in the Western Hemisphere with a trade embargo of Cuba and one of only five countries that does not have formal ties with Cuba.

Moreover, it was only last year, October 1994, that the world community soundly rejected a proposal that was similar to H.R. 927—one that would broaden the embargo against Cuba—by a vote of 101 to 2. Apparently, our neighbors in the hemisphere and allies around the world believe that dialog and engagement, not confrontation, isolation, and threats, are the best ways to encourage change in Cuba.

The fact is that, without support of our allies and other countries, unilateral United States action against Cuba is unlikely to succeed and could have the unintended effect of unnecessarily increasing friction between the United States and its allies and trading partners.

For economic sanctions to work, strong international cooperation is required. When we have that cooperation, as in the case of South Africa, sanctions can work and can make sense as a policy alternative. The success of the sanctions directed at South Africa was due, almost exclusively, to our ability to convince our allies and other countries, through moral suasion, not punitive or retributive legislation, to support economic sanctions to change the domestic policies and behavior of South Africa.

On the other hand, when the United States acts unilaterally and tries to

bludgeon the rest of the world into line with our policy, the result is often failure. It is worth keeping in mind what happened when the United States acted unilaterally to try to prevent a natural gas pipeline in the former Soviet Union from being completed. The policy was a failure; the pipeline was built. However, major U.S. exporters were hurt. Caterpillar, in my own State of Illinois, lost a major sale to its largest international competitor, Komatsu, weakening Caterpillar, and strengthening Komatsu, in international markets for a long time.

Moreover, the United States policy created a major controversy with our closest NATO ally, Great Britain, and with France. They saw the U.S. policy as an infringement on their sovereignty.

This legislation raises important governmental, as well as practical and diplomatic, issues. Many experts see it as an encroachment on the President's authority under the Constitution to conduct the foreign affairs of the United States. For example, the President would be prohibited from providing foreign aid or international development aid credits to Russia and the other Newly Independent States if they continue to trade with or give money to Cuba. As the only remaining world superpower, we have widespread global interests, interests which do not all turn on the status of a particular country's trade relations with Cuba.

Mr. President, H.R. 927 is therefore unlikely to advance United States interests in Cuba. Instead, what it is more likely to do is to damage other U.S. interests. Increased political and economic pressure on Cuba is more likely to enable Castro to play his nationalistic card and use the United States as a scapegoat to explain away Cuba's economic problems than to weaken his grip on Cuba.

And even though it is unlikely to achieve the objectives for Cuba we all share, title III of this legislation will create a nightmare for the United States judicial system, potentially costing United States taxpayers billions of dollars to provide access to United States courts for property claim lawsuits filed by or on behalf of individuals who were not legally entitled to have their claims adjudicated in United States courts when their claims initially arose. The bill, in effect, extends a benefit to Cuban-Americans denied to other groups, including Polish-Americans, Italian-Americans, Americans of Eastern European descent, Chinese-Americans, and Vietnamese-Americans. Finally, U.S. taxpayers will also have to foot the bill for the litigation of trade suits pursuant to NAFTA and GATT/WTO.

Mr. President, what we really need is a new, innovative, and bold approach to Cuba, an approach based on the realities of the situation, an approach that can and will succeed. We need a policy based on our successes. If we can create a situation where we can get the

same kind of cooperating on sanctions against Cuba that we were able to put together in the case of South Africa, then a sanctions policy could work, and could be pursued. But if we cannot, we ought to take a lesson from some of our other successes. After all, we did not win the cold war by isolating the now former-Soviet Union, through a sophisticated, flexible policy that engaged the U.S.S.R. where that made sense.

Since unilateral United States sanctions are unlikely to be effective, and since legislation designed to force our trading partners into tighter sanctions against Cuba is more likely to create new problems than to solve the Castro problem, we ought to at least consider new approaches. We need to at least examine, for example, whether more extensive United States contacts with Cuba would strengthen Castro or strengthen the prospects for real democratic and economic reform in Cuba. What we cannot afford to do is to continue to pursue a policy that has not succeeded in the past, and that offers even smaller chances of success in the future. Unfortunately, that is fundamentally what H.R. 927 is all about; I therefore cannot support it. I urge the Senate to defeat this legislation, and to work toward a new policy toward Cuba that offers a better chance of bringing long overdue, fundamental democratic and economic reform to the Cuban people.

Mr. BOND. Mr. President, I rise to address the vote for cloture on the Dole-Helms amendment to the Sanctions Act.

I will be voting for cloture because I wish to see this process move along. This bill has been pending all year, and it is time we addressed it and moved on. In voting for cloture, however, I want to make clear that I do not support this legislation. I think it is a mistake, and I do not believe it will achieve the intended results.

First, this bill will impose trade sanctions on many of our closest allies and trading partners throughout the world. That is not going to help the people of Cuba in any way, but it is going to hurt American companies doing business around the world.

Second, the bill creates an unprecedented right of action for legal claims of former property owners in Cuba. Not only will that impose a severe burden on our court system, it will do so without, in anyway helping the people who need it most—families and small property owners who lost their homes and businesses to the Castro regime. This new right of action will also put us into conflict with some companies headquartered in some of our closest allies who are now operating plants in Cuba.

As a result of both of these problems, the United States will find itself under immediate attack in the World Trade Organization.

This legislation will only add to the already overwhelming misery of the